

**MINUTES**  
**Town of Crested Butte**  
**Regular Town Council Meeting**  
**Monday, January 4, 2021**

Mayor Schmidt called the meeting to order at 7:11PM.

Council Members Present: Will Dujardin, Candice Bradley, Chris Haver, Mallika Magner, and Mona Merrill

Staff Present: Town Manager Dara MacDonald, Town Attorney John Sullivan, and Town Clerk Lynelle Stanford

Chief Marshal Mike Reily, Parks and Recreation Director Janna Hansen, Community Development Director Troy Russ, Town Planner II Mel Yemma, Finance Director Rob Zillioux, and Public Works Director Shea Earley (for part of the meeting)

Everyone connected and participated in the meeting via Zoom. Schmidt, MacDonald, and Zillioux were present in Council Chambers.

Schmidt mentioned the work session that preceded the meeting.

**APPROVAL OF AGENDA**

Schmidt confirmed that Ordinance No. 32, Series 2020 would be dropped from the agenda per a request from the proponent and Staff.

Haver moved and Dujardin seconded a motion to approve the agenda with the deletion of Ordinance No. 32. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

Schmidt confirmed with Sullivan that it was the opinion of the attorney that Bradley would continue to serve as a member of the Council until someone could replace her, even though she had moved out of Town already. MacDonald further clarified that the Council was required to appoint a new Council member within 30 days of a resignation. Secondly, Schmidt pointed out that Mitchell was unavailable for the Council meeting.

**CONSENT AGENDA**

**1) December 21, 2020 Regular Town Council Meeting Minutes.**

**2) Resolution No. 1, Series 2021 - A Resolution of the Crested Butte Town Council Designating the Town of Crested Butte's Three Official Public Places for Posting Town Council Meetings and Other Important Items.**

### **3) Consideration of Letter to EPA Commenting on Draft Guidance to Propose when a National Pollutant Discharge Elimination System (NPDES) Permit is Required.**

Magner moved and Bradley seconded a motion to approve the Consent Agenda. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

### **PUBLIC COMMENT**

None

### **STAFF UPDATES**

- MacDonald mentioned vaccinations. She informed the Council that some front line staff had received vaccinations. The vaccination schedule had been a moving target. She would be incentivizing employees to be vaccinated when it became available to them. She encouraged people to complete the County's vaccine interest form.
- MacDonald referred to an email she sent regarding the mountain towns' call with Senator Bennet. She would be participating as a panelist to provide an update on issues faced in Crested Butte.
- Zillioux confirmed there were no applications received for the Council position.
- Dujardin noted Incident Command had a more flexible place to put people with Phase 1D on the vaccine distribution schedule.
- Schmidt recognized the new sledding hill was quite an improvement, was a wide expanse, and it was obviously being used.
- Hansen reported that two out of the four hockey changing rooms were opened.
- The Community School started the BOZAR application process for two more modular units.
- Stanford confirmed the intergovernmental meeting for Thursday, January 28<sup>th</sup> at 6PM. She asked about the Doodle poll for the retreat, which would be discussed under Other Business.
- Zillioux was researching whether the nicotine use tax impacted local sales. Schmidt pointed out from the staff report that almost 53,000 packs of cigarettes were sold.
- Schmidt mentioned the upcoming mass COVID testing.

### **LEGAL MATTERS**

Sullivan announced that there was a vacancy on the CIRSA board of directors for someone from the under 10,000 (population) category.

### **PUBLIC HEARING**

**1) Ordinance No. 32, Series 2020 - An Ordinance of the Crested Butte Town Council Approving the Lease of 308 3<sup>rd</sup> Street Unit K (a Town owned property) to Living Lines, a Colorado Non-Profit Organization.**

The ordinance was removed from the agenda.

**2) Ordinance No. 33, Series 2020 - An Ordinance of the Crested Butte Town Council Approving the Lease of 308 3<sup>rd</sup> Street Unit G (a Town owned property) to Gunnison Valley Mentors, a Colorado Non-Profit Organization.**

Schmidt read the title of the ordinance. Zillioux confirmed there were no changes from the last meeting and Schmidt that proper public notice had been given. There were no comments from the public, and the public hearing was closed.

Haver moved and Dujardin seconded a motion to approve Ordinance No. 33, Series 2020. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**3) Ordinance No. 34, Series 2020 - An Ordinance of the Crested Butte Town Council Amending Article 2 Section 4-2-70 of Town Code to include a Sales Tax Exemption for Prescription Drugs.**

Schmidt read the title of the ordinance. Zillioux explained that the pharmacy opening was the reason for the ordinance. Schmidt confirmed proper public notice was given. There were no comments from the public, and the public hearing was closed.

Haver moved and Bradley seconded a motion to approve Ordinance No. 34, Series 2020. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**NEW BUSINESS**

**1) Black Lives Matter Community Coalition Local Government Subcommittee Recommendations and Implementation.**

Dr. Laird Cagan was present on Zoom. He reviewed recommendations to the Town Council from the Black Lives Matter Community Coalition Local Government Subcommittee such as: the Marshals' uniforms were to be changed to a blue shirt and blue year around jacket; increased foot patrols; and looking for informal ways to increase dialogue between citizens and Marshals. Cagan outlined details of the complaint process. He suggested there be one click (on the Town's website) to reach the complaint form. Cagan mentioned the complaint form itself and that the complaints should be provided to the Town Council. Cagan pointed out the recommendation of the specific statement to be added to the Employee Handbook. Cagan listed the names of people involved in the meetings and the subcommittee.

Schmidt had questions about the complaint process. He asked what happened to complaints. He wondered if there was the ability to appeal the complaint. MacDonald and Zillioux clarified the form would be available on the website, but complaints would not be posted on the website. The discussion turned to the process and what the intention was of the subcommittee. Cagan identified that the HR Department was meant to handle the individual details of each case.

MacDonald reviewed the responses to each recommendation. The discussion became focused on the blue uniforms. Reily explained there would be a range of blue colors. MacDonald affirmed the Marshals would continue with regular foot patrols. She acknowledged it was difficult to commit to a particular schedule for foot patrol. Magner asked MacDonald to come back to the Council with more specifics. Reily stated they could always find more opportunities to interact with citizens. Magner asked MacDonald to come to Council with specific solutions in response to the suggestion. Merrill thought it was day-by-day, hour-by-hour; it seemed it was best judgment, best wisdom. Dujardin questioned whether a percentage of each patrol shift could be on foot. Reily explained the Marshals used whatever mode of patrol fit what was happening. Haver thought the Marshals' presence on Elk had been positive and made them a part of Town. He thanked for it and encouraged it.

Cagan reiterated that the complaint form being more accessible online was important. Reily pointed out extra options to make complaints would be a huge plus. Reily focused on the process for investigations. He recognized they needed to look at revamping policies and procedures to fit what would be best practices for small department investigations into complaint matters. Reily outlined the changes and additions that were made to the forms.

Magner referred to recommendation number three, which was: explore other informal ways to increase dialogue between citizens and Marshals. She questioned whether there was anything the Town could do better. MacDonald explained they would love suggestions of avenues to better reach that segment of the community. Reily said he would meet people wherever they wanted. MacDonald confirmed they would continue to meet with the subcommittee to find ways to reach the community.

Reily, responding to Schmidt, did not think there was a difference between officers living in Town compared to down valley. Dujardin pointed out the whole idea was the complaint form was hard to access. Town was trying to encourage community members to file complaints, and they were not comfortable approaching Reily. Cagan said part of the process the subcommittee hoped to improve was to allow people to be comfortable making complaints when they were not treated well, and people needed to feel safe in making the complaints. Magner asked who was the gatekeeper to determine which track a complaint went. She thought they were getting away from the Marshals making the assessment of how a complaint against themselves should be addressed. Reily stated they needed to figure out how other small town departments were doing it. Magner acknowledged it was a nationwide issue that people did not feel comfortable going to the police because they would not adequately address complaints. MacDonald thought the discussion was specific to complaints about bias. Cagan did not see how complaints could be distinguished. The policy needed to apply to every complaint. Schmidt stated the most important thing was that a citizen would know his or her complaint would be heard. Dujardin said the form should be about racial bias, and it should go directly to HR. Magner wanted assurance that if someone made a complaint to the Marshals about racial bias, the complaint would go to HR. She thought there needed to be more clarity in the process.

Schmidt summarized that he heard from the Town Manager that any incidents alleging bias or prejudice would go to HR and would not be adjudicated by the Marshal's Office. Magner confirmed that all such complaints would be reported to the Town Council.

Next, returning to the recommendations, MacDonald told the Council the JEDI training would be scheduled for all Town Staff. Dujardin identified, that coming out of the subcommittee, it was important the whole staff would be doing the training, and the Marshals would have their own training, too. There was discussion on engaging outside departments, funding, and logistics. MacDonald summarized all Town employees would complete the training, including the Marshals, as possible. They would engage other entities, and if it did not work for group training within the region, they would come back with training for the Marshals.

MacDonald referred to the proposed change to language in the Employee Handbook. There was a sentence added to make the policy outward facing of how employees treated the public. Schmidt recommended the sentence be wordsmithed. Cagan thanked the Council for their time and for their considerations. The language of the proposed motion was discussed and clarified by MacDonald.

Dujardin moved and Merrill seconded a motion to accept the recommendations of the Black Lives Matter Community Coalition brought forward by the Local Government Subcommittee including the following specific actions of: 1) Modify the Marshals' uniforms to a blue shirt and jackets, rather than black, and approving the unbudgeted expenditure of up to \$7,000. 2) Direct Staff to bring forward modifications to the Employee Handbook for Council consideration addressing the subcommittee's concerns. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

## **2) Memorandum of Agreement with Gunnison Valley Regional Housing Authority (GVRHA) for GreenDeed Program.**

Schmidt confirmed the \$30,000 program cost was already in the budget. Russ pointed out the MOA was part of the housing strategy related to the InDEED program. Yemma explained the GreenDeed program would cover the costs for energy assessments and upgrades for deed-restricted homes and for homes that would be a part of the program. The MOA firmed up the partnership and parameters of the program.

Haver moved and Dujardin seconded a motion to authorize the Mayor to sign the MOA with the Gunnison Valley Regional Housing Authority for the Crested Butte GreenDeed program. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

## **COUNCIL REPORTS AND COMMITTEE UPDATES**

Mona Merrill

- She thanked MacDonald for reaching out to The Center for the Arts.

- MacDonald said there was significant confusion between what the Town was requiring and what the Fire Department was requesting. The ramps on the west side of the building cost much less than what they were anticipating.
- The second issue to be considered was how much rental revenue they could generate balanced with the cost to operate.
- Merrill would be meeting with people about the RV dump station to determine what to bring forward at the STOR meeting.

#### Mallika Magner

- She saw that about fourteen communities were getting Revitalizing Main Street grants in the CML newsletter. She asked if Town had applied. She thought Town might want to look into it.

#### Candice Bradley

- She reported the Big Mine Ice Arena public art RFP was live on the Town's website. They were looking for an art installation to go along with the locker rooms. It was a great opportunity.

#### Will Dujardin

- He thought it was cool to hear about another round of mass testing.
- The vaccination clinics were impressive.
- There were frustrations regarding the shifting State dial.
- They were hoping to get a lot of information from the vaccine interest form.

#### Jim Schmidt

- He presented to a class on environmental science from Cornell College, where he went to school. He was surprised to hear they felt they were so small they did not know what could they do. He encouraged them to start somewhere and do something.
- Jack Dietrich, from the Crested Butte Fire Protection Board, called him. He and Dietrich were getting different perspectives on where the negotiations were. Schmidt urged the staff members from the Town and Fire District to get together. He wanted the people negotiating to list differences. The Fire District was anxious to get underway.

### **OTHER BUSINESS TO COME BEFORE THE COUNCIL**

Stanford referred to the Doodle poll to schedule the retreat to discuss boards and committees and the Council members' roles. The Council scheduled the retreat for Tuesday, January 26<sup>th</sup>, 2021, from 1PM to 4PM. MacDonald outlined content that would be covered during the retreat.


### **DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE**

- *Tuesday*, January 19, 2021 - 6:00PM Work Session - 7:00PM Regular Council
- *Monday*, February 1, 2021 - 6:00PM Work Session - 7:00PM Regular Council
- *Tuesday*, February 16, 2021 - 6:00PM Work Session - 7:00PM Regular Council

**ADJOURNMENT**

Mayor Schmidt adjourned the meeting at 9:17PM.

  
James A. Schmidt, Mayor

  
Lynelle Stanford, Town Clerk (SEAL)

